Application No. 10/578,996
Amdt. dated July 7, 2009
Reply to Office Action of March 17, 2009

PATENT
PD030116
Customer No. 24498

REMARKS

Claims 1-16 are pending in this application. Claims 1, 3 and 4-10 have been amended by this response. The amendments have been made to clarify the claimed subject matter. Support for the claim amendments is found throughout the specification and specifically at page 4, lines 2-7. Claims 11-16 have been added by this response. No new matter has been added by these amendments.

Objection of claims 4-9

Claims 4-9 are objected to because the preamble of claims 4-9 recites "method or device according to claim 1." Claims 4-9 have been amended to recite a method claim and remove any reference to a device from the preamble. Therefore, it is respectfully submitted that this objection of claims 4-9 is satisfied and should be withdrawn.

Rejection of claim 1 under 35 U.S.C. 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 1 has been amended in accordance with the comment in the Office Action to recite "wherein said second portion of menu data has at least one first attribute associated" and "the placeholder has at least one second attribute associated with the placeholder" in order to clarify that the at least one first attribute is associated with the second portion of menu data and the at least one second attribute is associated with the placeholder. Therefore, it is respectfully submitted that this rejection of claim 1 is satisfied and should be withdrawn.

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Rejection of claims 1-10 under 35 U.S.C. 102(e)

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinallo et al. (US 5,929,857).

The present claimed arrangement provides a method for automatically composing an electronic audio-visual menu for selection of playback of audio-visual data, wherein a first portion of audio-visual data and a first portion of menu data is retrieved from a first storage medium being an exchangeable pre-recorded medium. A second portion of audio-visual data and a second portion of menu data are obtained from a second data source different from the first storage medium, wherein the second portion of menu data has at least one attribute associated. An initial menu is generated from the first portion of menu data, the initial menu containing one or more visible, selectable buttons and at least one invisible placeholder that cannot be selected, where the placeholder has at least one attribute associated with said first portion of menu data. The attribute associated with the second portion of menu data is extracted. The extracted attribute is compared with the attribute associated with the placeholder. Based on the comparison, if both attributes match, the placeholder is replaced with a visible and selectable button defined by the second portion of menu data including a specification of conditions for button activation.

Dinallo describes a DVD system including a graphic user interface which is constructed during information playback from commands and attributes extracted from the DVD data stream. In particular, the extracted commands are presented to an intelligent DVD browser engine which gathers information about the shape and location of a user menu from the navigation data in the DVD data stream. The browser engine operates with a database, containing sets of predefined images which depict controls, buttons and other graphics images that form part of the user menu. (See col. 3, lines 23-32)

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Dinallo neither discloses nor suggests "a second portion of audio-visual data and a second portion of menu data are obtained from a second data source different from said first storage medium" as recited in claim 1 of the present arrangement. Dinallo describes a DVD system where queries are made from navigation data in a DVD data stream in order to determine which images are used to display and update a menu on a visual display. In contrast, the present claimed arrangement provides that "a second portion of audio-visual data and a second portion of menu data" can be obtained from a different data source than the first storage medium that provides a first portion of audio-visual data. As a result, a menu can be constructed to allow access to downloadable or access bonus content from the Internet or from a separate exchangeable storage medium (See page 8, lines 18-32). Dinallo only describes construction and updating a menu based on one data source. Thus, Dinallo neither discloses nor suggests "a second portion of audio-visual data and a second portion of menu data are obtained from a second data source different from said first storage medium" as recited in claim 1 of the present arrangement.

Dinallo also neither discloses nor suggests "comparing said extracted attribute with said attribute associated with the placeholder; and based on said comparison, if both attributes match, replacing the placeholder with a visible and selectable button defined by the second portion of menu data" as recited in claim 1 of the present arrangement. Dinallo describes dynamically constructing a graphical user interface or menu system based on images retrieved from a database (col. 7, lines 9-19). To accomplish the menu construction, Dinallo describes locating a set of bitmap images corresponding to various controls in selected, active, and deselected states located at various positions on the display screen, which are loaded and used to draw the bitmap images to a display screen. However, Dinallo neither discloses nor suggests "comparing

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said extracted attribute with said attribute associated with the placeholder."
The present claimed arrangement provides for comparing an extracted attribute
with an attribute associated with a placeholder in order to determine whether or
not additional bonus content should be shown and displayed. In addition, while
Dinallo describes automatic updates provided to a menu in real time according
to navigation commands retrieved from a DVD data stream (see col. 9, lines
44-51 and col. 10, lines 31-42), this is not the same as "replacing the
placeholder with a visible and selectable button defined by the second portion
of menu data" which is provided by a second data source. Dinallo does not
describe a second data source or replacement of a placeholder. Furthermore,
the present claimed arrangement advantageously provides for "replacing the
placeholder" with a selectable button allowing access to "the second portion of
menu data" provided by a second data source. Thus, Dinallo neither discloses
nor suggests "comparing said extracted attribute with said attribute associated
with the placeholder; and based on said comparison, if both attributes match,
replacing the placeholder with a visible and selectable button defined by the
second portion of menu data" as recited in claim 1 of the present arrangement.
Therefore, it is respectfully submitted that the rejection of claim 1 is satisfied
and should be withdrawn.

Dependent claim 2 is dependent on claim 1 and is considered
patentable for the reasons set forth above regarding claim 1. Therefore, it is
respectfully submitted that the rejection of claim 2 is satisfied and should be
withdrawn.

Independent claim 3 provides an apparatus claim containing features
similar to those found in method claim 1 and is considered patentable for the
reasons set forth above regarding claim 1. Therefore, it is respectfully
submitted that the rejection of claim 3 is satisfied and should be withdrawn.

Dependent claims 4-9 are dependent on claim 1 and are considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claims 4-9 is satisfied and should be withdrawn.

Independent claim 10 provides an apparatus claim containing features similar to those found in method claim 1 and apparatus claim 3 and is considered patentable for the reasons set forth above regarding claim 1. Therefore, it is respectfully submitted that the rejection of claim 10 is satisfied and should be withdrawn.

In view of the above remarks and amendments to the claims it is respectfully submitted that this rejection is satisfied and should be withdrawn.

New claims 11-16 are device claims including features similar to claims 4-9 and dependent on claim 3. These claims are considered patentable for the reasons set forth above regarding claim 3.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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No additional fee is believed due. However, if an additional fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

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